

FILED

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2 ARVIN C. LUGAY (SBN 242599)
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2012 NOV 14 PM 12:19

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

6 Attorneys for defendant
7 Equable Ascent Financial, LLC

8
9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11

12 LORI KLEIMAN, *an individual*

13 Plaintiff,

14 vs.

15 EQUABLE ASCENT FINANCIAL,
16 LLC, a limited liability company;
17 CREDITOR IUSTUS ET
18 REMEDIUM, LLP, a limited liability
partnership; and DOES 1 through 10,
inclusive,

19 Defendants.
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CASE NO.

CV 12 9729

-CAS
(AJW)

NOTICE OF REMOVAL

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE that defendant Equable Ascent Financial, LLC
3 (“Defendant”), a Delaware limited liability company, hereby removes to this Court
4 the state court action described below.

5 1. On September 27, 2012, a complaint was filed against Defendant by
6 plaintiff Lori Kleiman (“Plaintiff”), in an action pending in the Superior Court of
7 the State of California in and for the County of Ventura, East County Division,
8 entitled *Lori Kleiman v. Equable Ascent Financial, LLC, et al.*, Case No. 56-2012-
9 00424933-CU-PO-VTA. A copy of the state court Summons and Complaint, the
10 Civil Case Cover Sheet, the Notice of Case Management Conference and other
11 documents issued by the state court (collectively, “Complaint”) that was served on
12 Defendant is attached hereto as **Exhibit A**. Defendant CIR Law Office, LLP
13 (erroneously named in the complaint as Creditor Iustus Et Remedium, LLP) to this
14 action has consented to removal. A copy of CIR’s consent to removal is attached
15 hereto as **Exhibit B**.

16 2. This removal petition is timely under 28 U.S.C. § 1446(b) because
17 Defendant was first served with a copy of the Complaint on October 17, 2012.

18 **JURISDICTION**

19 3. This action is a civil action of which this Court has original
20 jurisdiction under 28 U.S.C. § 1331 and which may be removed to this Court by
21 Defendant pursuant to the provisions of 28 U.S.C. § 1441(b) in that the Complaint
22 asserts claims against Defendant allegedly arising under 15 U.S.C. § 1692 *et seq.*
23 (the “Fair Debt Collection Practices Act”). *See* Exhibit A, ¶¶ 1, 6-8, 25-27.

24 4. As the Complaint was filed in the Superior Court of the State of
25 California, County of Ventura, venue in this District is proper. *See* 28 U.S.C. §
26 1441(a) (providing for removal “to the district court of the United States for the
27 district and division embracing the place” where the state court action is pending);
28 28 U.S.C. § 84(c)(2) (Central District, Western Division comprises, *inter alia*, the

1 county of Ventura).

2 5. Defendant is represented by the undersigned.

3
4 DATED: November 13, 2012

SIMMONDS & NARITA LLP
TOMIO B. NARITA
ARVIN C. LUGAY

6
7 By: 

8 Arvin C. Lugay
9 Attorneys for defendant
Equable Ascent Financial, LLC
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Exhibit A

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

EQUABLE ASCENT FINANCIAL LLC, a limited liability company;
CREDITOR IUSTUS ET REMEDIUM, LLP, a limited liability partnership,
and DOES 1 through 10, inclusive,
YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

LORI KLEIMAN, an individual,

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

VENTURA
SUPERIOR COURT
FILED

SEP 27 2012

MICHAEL D. PLANE
Executive Officer and Clerk

BY: M. Ochoa

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): Superior Court of California, County of Ventura, East County Division, 3855 F Alamo Street, Simi Valley, CA 93063

CASE NUMBER:
56-2012-00424933-CU-PO-VTA

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): Octavio Cardona-Loya II, 3130 Bonita Road, Suite 200-B, Chula Vista, CA 91910. (619) 476-0030

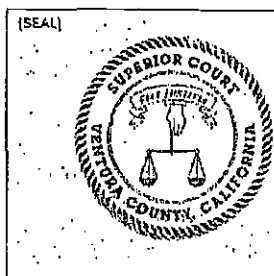
DATE:
(Fecha)

Clerk, by
(Secretario)

M. Ochoa Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): Equable Ascent Financial LLC, a limited liability company
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☒ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person).
☐ other (specify):

4. ☒ by personal delivery on (date): 10/17/12

VIA FAX



Superior Court of California, County of Ventura
Notice of Civil Case Management Changes

**Case Assignment and Mandatory Appearance at
Initial Case Management
Conference/Order to Show Cause**

Effective September 4, 2012, the following changes will be made to Ventura Superior Court's Case Management Program (Limited and Unlimited General Civil cases):

- At the time of filing of the initial Complaint, a *Notice of Case Assignment and Mandatory Appearance* notice will be provided by the Clerk which identifies the Courtroom and Judicial Officer to whom the case is assigned, and contains the date, time and Courtroom for a combined initial Case Management Conference (CMC) and Order to Show Cause re Sanctions/Dismissal re Failure to File Proof of Service/Default (OSC):
- The combined CMC/OSC will be scheduled approximately five months after the initial filing date for the purpose of:
 1. Confirming compliance with and/or addressing issues (and possible sanctions) related to timeframes established by Statutes and Rules of Court for service of the Complaint and entry of Default,
 2. Scheduling of Alternative Dispute Resolution proceedings and/or a Trial date, and
 3. Other issues pursuant to California Rule of Court, Rule 3.722.
- A copy of the Notice of Case Assignment and Mandatory Appearance shall be served by the filing party on all named Defendant/Respondents with the Complaint or Petition, and with any Cross-Complaint or Complaint in Intervention that names a new party to the underlying action.
- Appearance at the CMC by attorneys and self-represented parties, in person or by telephone (See Rule 7.00 et seq), is **MANDATORY**.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF VENTURA**

800 South Victoria Avenue
Ventura, CA 93009
(805) 654-2609
WWW.VENTURA.COURTS.CA.GOV

NOTICE OF CASE ASSIGNMENT AND MANDATORY APPEARANCE

Case Number: 56-2012-00424933-CU-PO-VTA

Your case has been assigned for all purposes to the judicial officer indicated below.

A copy of this Notice of Case Assignment and Mandatory Appearance shall be served by the filing party on all named Defendants/Respondents with the Complaint or Petition, and with any Cross-Complaint or Complaint in Intervention that names a new party to the underlying action.

ASSIGNED JUDICIAL OFFICER	COURT LOCATION	DEPT/ROOM
Hon. Frederick Bysshe	Ventura	41
HEARING MANDATORY APPEARANCE CMC/Order to Show Cause Re Sanctions/Dismissal for Failure to File Proof of Service/Default		
EVENT DATE	EVENT TIME	EVENT DEPT/ROOM
02/27/2013	08:15:00 AM	22B

SCHEDULING INFORMATION

Judicial Scheduling Information

AT THE ABOVE HEARING IS MANDATORY.

Each party must file a Case Management Statement no later than 15 calenday days prior to the hearing and serve it on all parties. If your Case Management Statement is untimely, it may NOT be considered by the court (CRC 3.725).

If proof of service and/or request for entry of default have not been filed: At the above hearing you are ordered to show cause why you should not be compelled to pay sanctions and/or why your case should not be dismissed (CCP 177.5, Local Rule 3.17).

Advance Jury Fee Requirement

Each party demanding a jury trial is required to deposit advance jury fees of \$150 for each party on or before the date scheduled for the initial Case Management Conference.

By failing to deposit the advance jury fees required by CCP 631, a party waives trial by jury.

Noticed Motions/Ex Parte Matters

To set an ex parte hearing, contact the judicial secretary in the assigned department. Contact the clerk's office to reserve a date for a law and motion matter.

Telephonic Appearance

Telephonic appearance at the Case Management Conference is permitted pursuant to CRC 3.670. In addition, see Local Rule 7.01 regarding notice to the teleconference provider. The court, through the teleconference provider, will contact all parties and counsel prior to the hearing.

Date: 09/27/2012

Clerk of the Court,

By: m. Ochoa

Maria Ochoa, Clerk

VEN-FNR068

NOTICE OF CASE ASSIGNMENT AND MANDATORY APPEARANCE

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Octavio Cardona-Loya II, Esq. SBN 255309 Golden & Cardona-Loya, LLP 3130 Bonita Road, Suite 200B Chula Vista, CA 91910 TELEPHONE NO.: 619-476-0030 FAX NO.: 775-898-5471 ATTORNEY FOR (Name): Plaintiff Lori Kleiman		FOR COURT USE ONLY VENTURA SUPERIOR COURT FILED SEP 27 2012 MICHAEL D. PLANET Executive Officer and Clerk By: <u>M. Ochoa</u> Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Ventura STREET ADDRESS: 3855 F Alamo Street MAILING ADDRESS: CITY AND ZIP CODE: Simi Valley, CA 93063 BRANCH NAME: East County Division		
CASE NAME: Kleiman v. Equable Ascent Financial LLC, et al.		
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)		CASE NUMBER: 56-2012-00424933-CU-PO-VTA JUDGE: DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case.

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/DP/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/DP/WD (23) Non-P/DP/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-P/DP/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties.. | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): (1) Violation of FDCPA (2) Violation of RFDCPA (3) Invasion of Privacy
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: September 25, 2012
 Octavio Cardona-Loya II

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

VIA FAX

CM-010

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)-Personal Injury/Property
Damage/Wrongful Death
Uninsured Motorist (46) (if the
case involves an uninsured
motorist claim subject to
arbitration, check this item
instead of Auto)

Other PI/PD/WD (Personal Injury/
Property Damage/Wrongful Death)
Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/
Wrongful Death
Product Liability (not asbestos or
toxic/environmental) (24)
Medical Malpractice (45)
Medical Malpractice-
Physicians & Surgeons
Other Professional Health Care
Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip,
and fall)
Intentional Bodily Injury/PD/WD
(e.g., assault, vandalism)
Intentional Infliction of
Emotional Distress
Negligent Infliction of
Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business
Practice (07)
Civil Rights (e.g., discrimination,
false arrest) (not civil
harassment) (08)
Defamation (e.g., slander, libel)
(13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice
(not medical or legal)
Other Non-PI/PD/WD Tort (35)
Employment
Wrongful Termination (35)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (not unlawful detainer
or wrongful eviction)
Contract/Warranty Breach-Seller
Plaintiff (not fraud or negligence)
Negligent Breach of Contract/
Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open
book accounts) (09)
Collection Case-Seller Plaintiff
Other Promissory Note/Collections
Case
Insurance Coverage (not provisionally
complex) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse
Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (not eminent
domain, landlord/tenant, or
foreclosure)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (if the case involves illegal
drugs, check this item; otherwise,
report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ-Administrative Mandamus
Writ-Mandamus on Limited Court
Case Matter
Writ-Other Limited Court Case
Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal-Labor
Commissioner Appeals

Provisionally Complex Civil Litigation (Cal.
Rules of Court Rules 3.400-3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims
(arising from provisionally complex
case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of
County)
Confession of Judgment (non-
domestic relations)
Sister State Judgment
Administrative Agency Award
(not unpaid taxes)
Petition/Certification of Entry of
Judgment on Unpaid Taxes
Other Enforcement of Judgment
Case

Miscellaneous Civil Complaint
RICO (27)

Other Complaint (not specified
above) (42)
Declaratory Relief Only
Injunctive Relief Only (non-
harassment)
Mechanics Lien
Other Commercial Complaint
Case (non-tort/non-complex)
Other Civil Complaint
(non-tort/non-complex)

Miscellaneous Civil Petition
Partnership and Corporate
Governance (21)

Other Petition (not specified
above) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult
Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late
Claim
Other Civil Petition

RA. Ochoa

COMPLAINT AND DEMAND FOR JURY TRIAL

II. VENUE & PARTIES

2. Venue in this district is proper in that the Plaintiff resides here, Defendants transact business here, and the conduct complained of occurred here.

3. Plaintiff LORI KLEIMAN is a natural person residing in the State of California, County of Ventura.

4. Defendant EQUABLE ASCENT FINANCIAL LLC at all times relevant was a limited liability company doing business of collecting debts in Ventura County, California operating from an address at 1120 W. Lake Cook Rd., Ste. B, Buffalo Grove, IL 60089.

5. Defendant CREDITOR IUSTUS ET REMEDIUM, LLP ("CIR") at all times relevant was a limited liability partnership doing business of collecting debts in Ventura County, California operating from an address at 8665 Gibbs Dr., Ste 150, San Diego, CA 92123.

6. Defendants are engaged in the collection of debts from consumers using the mail and telephone. Defendants regularly attempt to collect consumer debts alleged to be due to another. Defendants are "debt collectors" as defined by the FDCPA, 15 U.S.C. §1692a(6), and by the Rosenthal Act, California Civil Code 1788.2(c).

7. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. 1692a(3).

8. The purported debt that Defendants attempted to collect from Plaintiff was a "debt" as defined by the FDCPA, 15 U.S.C. §1692a(5).

9. Plaintiff is a "debtor" as defined by the Rosenthal Act, California Civil Code 1788.2(h).

10. The purported debt which Defendants attempted to collect from Plaintiff is a "consumer debt" as defined by the Rosenthal Act, California Civil Code §1788.2(f).

11. The true names and capacities, whether individual, corporate (including officers and directors thereof), associate or otherwise of Defendants sued herein as DOES 1 through 10, inclusive, are unknown to Plaintiff, who therefore sues these Defendants by such fictitious names. Plaintiff is informed and believes, and alleges that each Defendant designated as a DOE is involved in or is in some manner responsible as a principal,

1 beneficiary, agent, co-conspirator, joint venturer, alter ego, third party beneficiary, or
2 otherwise, for the agreements, transactions, events and/or acts hereinafter described, and
3 thereby proximately caused injuries and damages to Plaintiff. Plaintiff requests that when the
4 true names and capacities of these DOE Defendants are ascertained, they may be inserted in
5 all subsequent proceedings, and that this action may proceed against them under their true
6 names.

8 III. FACTUAL ALLEGATIONS

9 12. On June 25, 2012, Defendant EQUABLE ASCENT FINANCIAL, through its
10 attorneys Defendant CIR, filed a lawsuit against Plaintiff to collect on an alleged debt;
11 Ventura County Superior Court Case No. 56-2012-00420179-CL-CL-VTA ("the Action").

12 13. The Action attempted to collect a debt past the statute of limitations for such a
13 case as Plaintiff had not made any payment on the alleged debt in the prior four years of
14 Defendants' filing suit.

15 14. Defendants served Plaintiff with the Summons and Complaint in the Action on
16 or about July 13, 2012.

17 15. In addition to filing suit, Defendant CIR called Plaintiff to collect on the
18 alleged debt.

19 16. Defendant CIR called Plaintiff twice within a twenty-four (24) hour period on
20 numerous occasions.

21 17. Plaintiff disputed the alleged debt with Defendants as she did not recall having
22 the account in question.

23 18. Defendant EQUABLE ASCENT FINANCIAL purportedly validated the
24 alleged debt in a letter to Plaintiff dated May 14, 2012.

25 19. The May 14, 2012 letter stated that the alleged balance was \$3,259.80.

26 20. Enclosed with the validation letter was one (1) credit card statement.

27 21. The credit card statement stated that the balance of the alleged debt was
28 \$2,919.11.

1 22. Defendant EQUABLE ASCENT FINANCIAL provided no basis or verification
2 to support its attempts to collect \$3,259.80 from Plaintiff.

3 23. As a result of Defendants' conduct, Plaintiff suffered from severe stress.

4 24. Plaintiff's credit further suffered with negative reporting.

5 6 IV. FIRST CAUSE OF ACTION

7 (Against all Defendants for Violations of the Fair Debt Collection Practices Act)

8 25. Plaintiff repeats, realleges and incorporates by reference all of the foregoing
9 paragraphs.

10 26. Defendants violated the FDCPA. Defendants' violations include, but are not
11 limited to, the following:

- 12 (a) Defendants violated 15 U.S.C. § 1692d by engaging in conduct the natural
13 consequence of which is to harass, oppress, and abuse persons in
14 connection with the collection of the alleged debt;
- 15 (b) Defendants violated 15 U.S.C. § 1692d(5) by causing the phone to ring or
16 engaging a person in telephone conversations repeatedly with the intent to
17 harass, oppress, and abuse the Plaintiff in connection with the collection
18 of the Debt;
- 19 (c) Defendants violated 15 U.S.C. § 1692e by using false, deceptive, or
20 misleading representations or means in connection with the collection of a
21 debt;
- 22 (d) Defendants violated 15 U.S.C. § 1692e(2)(A) by giving the false
23 impression of the character, amount or legal status of the alleged debt;
- 24 (e) Defendants violated 15 U.S.C. § 1692e(5) by threatening to take
25 action that could not legally be taken or that was not intended to be
26 taken;
- 27 (f) Defendants violated 15 U.S.C. § 1692e(10) by using a false representation
28 and deceptive means to collect or attempt to collect any debt or to obtain

information regarding a consumer;

(g) Defendants 15 U.S.C. § 1692(f) by using unfair or unconscionable means to collect or attempt to collect a debt; and

(h) Defendants violated 15 U.S.C. § 1692(f)(1) by attempting to collect an amount not authorized by the agreement that created the debt or permitted by law.

27. As a result of the above violations of the Fair Debt Collection Practices Act, Defendants are liable to the Plaintiff for Plaintiff's actual damages, statutory damages, and attorney's fees and costs pursuant to 15 U.S.C. §1692k.

V. SECOND CAUSE OF ACTION

(Against all Defendants for Violations of the Rosenthal Act)

28. Plaintiff repeats, realleges and incorporates by reference all of the foregoing paragraphs.

29. Defendants violated the Rosenthal Act, by including but not limited to, the following:

(a) Defendants violated California Civil Code §1788.11(d) by causing a telephone to ring repeatedly or continuously to annoy the person called;

(b) Defendants violated California Civil Code §1788.11(e) by communicating with the Plaintiff with such frequency as to be unreasonable and to constitute an harassment to the Plaintiff under the circumstances; and

(c) Defendants violated California Civil Code §1788.17 by failing to comply with the FDCPA as referenced above.

30. Defendants' acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

31. As a proximate result of Defendants' violations enumerated above, Plaintiff was damaged in amounts which are subject to proof.

32. Defendants' violations of the Rosenthal Act were willful and knowing.

1 Defendants are therefore liable to Plaintiff for Plaintiff's actual damages, statutory damages,
2 and attorney's fees and costs pursuant to California Civil Code §1788.30.

3
4 **VI. THIRD CAUSE OF ACTION**

5 **(Against all Defendants for Invasion of Privacy-Intrusion Into Private Affairs)**

6 33. Plaintiff repeats, realleges and incorporates by reference all of the foregoing
7 paragraphs.

8 34. Plaintiff had a reasonable expectation of privacy in her solitude, seclusion, and
9 private concerns and affairs.

10 35. Defendants willfully and intentionally intruded into Plaintiff's solitude,
11 seclusion and private affairs by repeatedly and unlawfully attempting to collect a debt.

12 36. Defendants' intrusions would be highly offensive to a reasonable person and
13 did in fact offend Plaintiff.

14 37. As a result of such invasions of privacy, Plaintiff was harmed and caused great
15 mental and physical pain.

16 38. Defendants acted with oppression, fraud or malice, and Defendants are
17 therefore liable to Plaintiff for damages in an amount to be proven at trial, and for punitive
18 damages.

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1 **WHEREFORE**, Plaintiff respectfully requests that judgment be entered against
2 Defendants, and each of them, for the following:

- 3 (a) Actual damages;
4 (b) Statutory damages pursuant to California Civil Code §1788.30(a) and
5 15 U.S.C. §1692k;
6 (c) Costs and reasonable attorney's fees pursuant to California Civil Code
7 §§1788.30(b) & (c) and 15 U.S.C. §1692k;
8 (d) Punitive damages; and
9 (e) For such other and further relief as the Court may deem just and proper.

10
11
12 Date: September 25, 2012




Octavio Cardona-Loya II,
Attorney for Plaintiff

13
14
15 **DEMAND FOR JURY TRIAL**

16 Please take notice that Plaintiff demands trial by jury in this action.

17
18
19 Date: September 25, 2012



Octavio Cardona-Loya II,
Attorney for Plaintiff

Exhibit B

1 TOMIO B. NARITA (SBN 156576)
tnarita@snllp.com
2 ARVIN C. LUGAY (SBN 242599)
alugay@snllp.com
3 SIMMONDS & NARITA LLP
44 Montgomery Street, Suite 3010
4 San Francisco, CA 94104-4816
Telephone: (415) 283-1000
5 Facsimile: (415) 352-2625

6 Attorneys for defendant
7 Equable Ascent Financial, LLC

8
9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 WESTERN DIVISION

12 LORI KLEIMAN,

13 Plaintiff,

14 vs.

15 EQUABLE ASCENT FINANCIAL,
16 LLC, a limited liability company;
17 CREDITOR IUSTUS ET
18 REMEDIUM, LLP, a limited liability
partnership; and DOES 1 through 10,
inclusive,

19 Defendants.
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CASE NO.:

**CONSENT TO REMOVAL OF
DEFENDANT CIR LAW OFFICE,
LLP**

1 TO THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD,
2 PLEASE TAKE NOTICE THAT:

3 WHEREAS, on September 27, 2012, a complaint was filed against
4 defendants Equable Ascent Financial, LLC and CIR Law Office, LLP (erroneously
5 named in the complaint as Creditor Iustus Et Remedium, LLP) (collectively,
6 "Defendants"), by plaintiff Lori Kleiman ("Plaintiff"), in an action pending in the
7 Superior Court of the State of California in and for the County of Ventura, East
8 County Division, entitled *Lori Kleiman v. Equable Ascent Financial, LLC, et al.*,
9 Case No. 56-2012-00424933-CU-PO-VTA; and

10 WHEREAS, this action is a civil action of which this Court has original
11 jurisdiction under 28 U.S.C. § 1331 and which may be removed to this Court by
12 Defendants pursuant to the provisions of 28 U.S.C. § 1441(b) in that the Complaint
13 asserts claims against Defendant allegedly arising under 15 U.S.C. § 1692 *et seq.*
14 (The Fair Debt Collection Practices Act); and,

15 WHEREAS, defendant Equable Ascent Financial, LLC, seeks to remove this
16 action to this Court,

17 THEREFORE, defendant CIR Law Office, LLP hereby consents to the
18 removal of this action.

19
20 DATED: November 12, 2012

On Behalf Of Defendant CIR Law Office,
LLP

21
22
23 By: 

Tara Muren
CIR Law Office, LLP

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Christina A. Snyder and the assigned discovery Magistrate Judge is Andrew J. Wistrich.

The case number on all documents filed with the Court should read as follows:

CV12- 9729 CAS (AJWx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) LORIKLEIMAN		DEFENDANTS EQUABLE ASCENT FINANCIAL, LLC, and CREDITOR JUSTUS RE REMEDIIUM, LLP	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Octavio Cardona-Loya (SBN 255309) Golden & Cardona-Loya, LLP 3139 Bonita Road, Suite 200B, Chula Vista, CA 91910; Tel. (619) 476-0030		Attorneys (If Known) Tonilo B. Narita (SBN 156576) & Arvin C. Luyay (SBN 242599) Simmonds & Narita LLP 44 Montgomery Street, Suite 3010 San Francisco, CA 94104; Tel. (415) 283-1000	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government (Not a Party)) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%; border: none;"> Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country </td> <td style="width:33%; border: none;"> <table style="width:100%; border: none;"> <tr> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td style="border: none;"></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table> </td> <td style="width:33%; border: none;"></td> </tr> </table>	Citizen of This State Citizen of Another State Citizen or Subject of a Foreign Country	<table style="width:100%; border: none;"> <tr> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> <td style="border: none;"></td> <td style="text-align: center;">PTF</td> <td style="text-align: center;">DEF</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	PTF	DEF		PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6	
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<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
--

V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check "Yes" only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No MONEY DEMANDED IN COMPLAINT: \$
--

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Plaintiff alleges violations of 15 U.S.C. 1692, et seq. (Fair Debt Collection Practices Act)

VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE PENALTIES <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug-Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395 ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DTC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV 12 9729

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Ventura County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Delaware

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date November 13, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))